

## REMARKS

This Response is submitted in reply to the Non-Final Office Action of June 10, 2009, and in accordance with the telephone interview courteously granted to Applicant's representatives on August 20, 2009. Claims 1 and 17 have been amended. No new matter has been introduced by these amendments. Please charge deposit account number 02-1818 to cover the cost of any fees due in connection with this Response.

The Office Action rejected Claims 1 to 7, 9 to 14, 16 to 21, 23 to 28, 30 to 33, 35 to 40, 42 to 47, and 49 to 54, and 56 under 35 U.S.C. § 103(a) as being unpatentable over GB 2353128A to Claypole ("Claypole") in view of U.S. Patent Publication No. 2002/0010018 to Lemay, in further view of U.S. Patent No. 6,843,721 to Vancura ("Vancura"). Applicant respectfully disagrees with these rejections. Nevertheless, as discussed during the interview, certain of the claims have been amended for clarification purposes.

Claypole discloses a gaming device (i.e., an amusement-with-prizes machine) that a player can play to get value for money (Page 1, lines 8 to 9). The gaming device provides a game having three reels which each have a plurality of symbols. Three paylines are associated with the reels, and each of the paylines is associated with a separate trail. Some of the symbols on the reels are associated with one or more points, such that if those symbols are generated along a particular one of the paylines, the indicator moves along the trail associated with that payline based on the points associated with the symbols. After the player initiates a play of the game (in an attempt to win value for money), the reels spin and display symbols along the paylines. If a winning combination of symbols is displayed on any of the paylines, the gaming device awards the player a prize associated with the combination of symbols indicated on the payline. Any points associated with the symbols displayed on a payline contribute to moving the indicator along the trail associated with that payline. Once the player reaches a certain level on the trails, the gaming device enables the player to play a top game associated with a track having plurality of positions,

each of the positions associated with an outcome. The player can press a "gamble" button to move an indicator around the track. Each time the player presses the gamble button, the indicator can land on different possible outcomes, which cause the player to advance or retreat along one or more of the trails. The player may decide at any time to stop pressing the gamble button and press the "collect" button to cash out.

Lemay discloses a gaming device having a main game and a bonus feature. The main game is associated with a plurality of reels, having a plurality of symbols including positive value symbols. The bonus feature includes a plurality of ordered positions of a path or trail, beginning with a first position and ending at a final position, which is associated with the largest bonus prize. Some of the intermediate positions of the path are associated with intermediate prizes. If the output of the main game includes a positive value symbol (such as having value P) on a payline, a position marker on the bonus is advanced P positions on the path. At the end of the advancement, the gaming device performs an evaluation to determine whether the marker has landed on the end position of the path (Fig. 4, step 416). If so, the gaming device provides the largest bonus award to the player, and the marker retreats to the beginning of the path. If not, the gaming device evaluates whether the marker has landed on an intermediate award position (Fig. 4, step 418). If so, the gaming device provides the intermediate award to the player, and the evaluation ends. If not, the gaming device evaluates whether the marker has landed on a position associated with an advance or retreat symbol, in which case the marker is advanced or retreated according to the symbol and the new position is evaluated (Fig. 4, steps 426 and 428). Lemay discloses that, in one embodiment, the bonus feature has a persistence aspect, whereby movement along the bonus path is interspersed with rounds of the main game (Paragraph 33). In another embodiment, if the output of the main game (i.e., the result of the reel spin) results in the initiation of the bonus feature, the bonus feature continues without further plays of the main game until the bonus game is terminated, whereupon the play of the main game can resume (Paragraph 33).

Vancura discloses a gaming device which offers a player a plurality of objects in a game, each of the objects having a probability of success and an associated award. The gaming device enables a player to choose one of the objects and provides the associated award if the chosen object is successful. The gaming device randomly determines whether to end the game. If the gaming device determines not to end the game, the gaming device enables the player to continue to pick another object from the plurality of objects. The game may end randomly after each object is chosen, upon all chosen objects resulting in success, or upon the player choosing a fixed number of objects.

Page 4 of the Office Action acknowledges that Claypole is silent regarding the occurrence of the entire game in a single play (i.e., for a single wager). The Office Action relies on Lemay to cure this deficiency in Claypole. The Office Action alleges that Lemay discloses a gaming device which allows a person to play a bonus trail game for a single wager. Based on this interpretation of Lemay, the Office Action concludes that one of ordinary skill in the art would combine Claypole and Lemay to encourage more strategic play (Office Action, Page 5). The Office Action further acknowledges that, even after combining Claypole and Lemay, the combination remains silent regarding randomly determining to end the single play of the game after awarding a prize. The Office Action states that Vancura discloses a method for playing a casino game that ends randomly after each player choice of an object. The Office Action concludes that it would have been obvious to incorporate this feature of Vancura into the combination of Claypole and Lemay to increase the level of suspense (Office Action, Page 5).

As discussed during the interview, in Claypole, the player spins the reels to generate a plurality of symbols, wherein any points associated with the symbols displayed on a payline contribute to moving the indicator along the trail associated with that payline. Once the player reaches the top game, the player presses a "gamble" button in an attempt to continue advancing on the trails. It is inherent that, each time the player spins the reels or presses the gamble button, that the player is making a wager (i.e, risking an amount of money in the hope of

gaining an advantage or benefit, such as a quantity of points to move along the trails).

As further discussed during the interview, Lemay does not cure Claypole's deficiencies with respect to providing the game for a single wager. As discussed above, Lemay discloses an embodiment where, if the output of the main game (i.e., the result of the reel spin) results in the initiation of the bonus feature, the bonus feature continues without further plays of the main game until the bonus game is terminated (i.e., when the player wins an award). However, as agreed upon during the interview, Lemay does not teach, for a single play of the game (for a single wager), providing the player with at least one opportunity to win at least one additional award for accumulating all of the indicators in at least one of the award groups, including any award groups associated with any awards previously provided to the player in said single play of the game, by repeating (b) to (e) until it is determined to end the single play of the game without requiring any additional wager by the player. That is, in the Lemay game, for a single wager, the player does not have the opportunity to continue spinning the reels of the main game to cause the marker to continue moving on the trail to try to obtain an additional award.

Moreover, the Office Action's attempt to modify the already lacking combination of Claypole and Lemay with Vancura is improper. The Examiner argues that it would be obvious to modify Claypole to include randomly determining when to end the game, as taught by Vancura, to increase the level of suspense in the game. However, even if Claypole provided some suggestion or motivation for increasing suspense in the game (which Applicant argues it does not), there is an endless number of ways that one could increase the level of suspense in a game. As agreed upon during the interview, randomly determining when to end a game is just one of the countless ways to increase suspense. Thus, Applicant respectfully submits that one of skill in the art would not, without improper hindsight, modify Claypole to include randomly determining when to end the play of the game.

Even assuming, arguendo, that Claypole, Lemay, and Vancura were properly combinable, Applicant respectfully submits that the gaming device resulting from the combination of these references does not render obvious a plurality of instructions which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device, for a single play of a game, to: if it is randomly determined not to end the single play of the game: (A) reset the indicators in the award groups associated with the awards provided to the player in said single play of the game, and (B) after resetting the indicators in the award groups associated with the awards provided to the player in said single play of the game, provide the player with at least one opportunity to win at least one additional award for accumulating all of the indicators in at least one of the award groups, including any award groups associated with any awards previously provided to the player in said single play of the game, by repeating (b) to (e) until it is determined to end the single play of the game without requiring any additional wager by the player.

In the gaming device of amended independent Claim 1, on the other hand, the plurality of instructions, when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device, for a single play of a game, to: if it is randomly determined not to end the single play of the game: (A) reset the indicators in the award groups associated with the awards provided to the player in said single play of the game, and (B) after resetting the indicators in the award groups associated with the awards provided to the player in said single play of the game, provide the player with at least one opportunity to win at least one additional award for accumulating all of the indicators in at least one of the award groups, including any award groups associated with any awards previously provided to the player in said single play of the game, by repeating (b) to (e) until it is determined to end the single play of the game without requiring any additional wager by the player.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that amended independent Claim 1 and the claims depending therefrom are each patentably distinguished over the combination of Claypole, Lemay, and Vancura.

For reasons similar to those discussed above with respect to amended independent Claim 1, amended independent Claim 17 and the claims depending therefrom are each patentably distinguished over the combination of Claypole, Lemay, and Vancura.

The Office Action discusses the rejection of independent Claim 30 in conjunction with the rejection of independent Claim 1 (Office Action, Pages 3 to 4). However, the Office Action completely ignores and fails to address the specific elements of independent Claim 30. The Office Action does not explain or provide any reasoning as to how the proposed combination of references achieves the gaming device of independent Claim 30.

Independent Claim 30 is directed to a gaming device which includes, amongst other elements, at least one processor which operates with at least one display device and at least one input device, for a single play of a game, to: (a) enable a player to place a wager on the single play of the game, the game associated with a plurality of displayed award groups, each of the award groups including at least one indicator, a plurality of the award groups including a plurality of indicators, each of the award groups associated with at least one of a plurality of awards; (b) cause an indicator generator of the at least one display device to generate and associate a number of indicators with each of the award groups; (c) accumulate a quantity of indicators in each of the award groups corresponding to the number of indicators associated with that award group by the indicator generator; (d) without requiring any additional wager by the player, repeat (b) to (c) until all of the indicators have been accumulated in at least one of the award groups; and (e) when all of the indicators have been accumulated in at least one of the award groups: (i) indicate the awards associated with any award groups in which all of the indicators have been accumulated, (ii) randomly

determine whether to provide any of the indicated awards to a player, (iii) if it is determined not to provide the indicated awards to the player: (A) reset the indicators in the award groups associated with the indicated awards, and (B) repeat (b) to (e) until it is determined to provide the indicated awards to the player without requiring any additional wager by the player, and (iv) if it is determined to provide the indicated awards to the player, provide any indicated awards to the player and terminate the single play of the game.

Claypole, Lemay, and Vancura, taken either alone or in combination, do not anticipate or render obvious a gaming device which includes at least one processor which operates, for a single play of a game, to: (e) when all of the indicators have been accumulated in at least one of the award groups: (i) indicate the awards associated with any award groups in which all of the indicators have been accumulated, (ii) randomly determine whether to provide any of the indicated awards to a player, (iii) if it is determined not to provide the indicated awards to the player: (A) reset the indicators in the award groups associated with the indicated awards, and (B) repeat (b) to (e) until it is determined to provide the indicated awards to the player without requiring any additional wager by the player, and (iv) if it is determined to provide the indicated awards to the player, provide any indicated awards to the player and terminate the single play of the game.

In each of the cited references, if the player has satisfied a condition for winning an award (e.g., reaching a certain position on a trail, as in Claypole or Lemay; or picking a successful object from the plurality of objects, as in Vancura), the gaming device provides the player with that award. That is, none of these references discloses, when the player qualifies to win an award, randomly determining whether or not to provide the award to the player.

On the other hand, the gaming device of independent Claim 30 includes, when all of the indicators have been accumulated in at least one of the award groups: (i) indicating the awards associated with any award groups in which all of the indicators have been accumulated, (ii) randomly determining whether to provide any of the indicated awards to a player, (iii) if it is determined not to

provide the indicated awards to the player: (A) resetting the indicators in the award groups associated with the indicated awards, and (B) repeating (b) to (e) until it is determined to provide the indicated awards to the player without requiring any additional wager by the player.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that independent Claim 30 and the claims depending therefrom are each patentably distinguished over the combination of Claypole, Lemay, and Vancura.

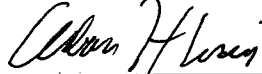
For reasons similar to those discussed above with respect to independent Claim 30, independent Claim 43 and the claims depending therefrom are each patentably distinguished over the combination of Claypole, Lemay, and Vancura.

The Office Action rejected Claims 8, 15, 22, 29, 34, 41, 48, and 55 under 35 U.S.C. § 103(a) as being unpatentable over Claypole, in view of Lemay, in further view of Vancura, in further view of U.S. Patent Application No. 2003/0036418 to Seelig. Applicant respectfully submits that the patentability of Claims 1, 17, 30, and 43 renders these rejections moot.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such act is courteously solicited. If the Examiner has any questions regarding this response, Applicant respectfully requests that the Examiner contact the undersigned attorney.

Respectfully submitted,

K&L GATES LLP

BY 

Adam H. Masia  
Reg. No. 35,602  
Customer No. 29159

Dated: September 2, 2009